



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Arthur S. Robb	Examiner:	J. M. Akaarup
Serial No.:	10/670,555	Group Art Unit:	3714
Filed:	9/23/2003	Docket:	49673.21790
Title:	Lottery and Gaming Systems with Multi-Theme Instant Win Games		

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**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is an appeal from the final rejection of claims 1-20 issued by the examiner on January 24, 2006. A Notice of Appeal was filed on June 13, 2006. Appellant availed himself of the Pre-Appeal Brief review program by filing a request for review with the Notice of Appeal. Appellant was notified by way of a communication entered August 1, 2006, by the examiner that the appeal needed to proceed to the Board of Patent Appeals and Interferences. This Appeal Brief is submitted under 37 CFR § 41.37. Enclosed is the requisite fee for the Appeal Brief of \$500.00. A one-month extension of time is also hereby requested.

**REAL PARTY IN INTEREST**

The assignee of the present application is Scientific Games Royalty Corporation, which is a subsidiary of Scientific Games, Inc. (NASDAQ: SGMS).

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## **RELATED APPEALS AND INTERFERENCES**

Upon information and belief, the undersigned Attorney does not believe that there is any appeal or interference that will directly affect, be directly affected by or have a bearing on the Board's decision in this appeal.

## **STATUS OF CLAIMS**

Claims pending: 1-20

Claims rejected: 1-20

Claims withdrawn: None

Claims allowed: None

Claims appealed: 1-20

## **STATUS OF AMENDMENTS**

Appellant believes that all amendments have been entered.

## **SUMMARY OF THE CLAIMED SUBJECT MATTER**

The citations to the specification and drawing locations are provided immediately following the elements of claims 1, 14 and 18, the only independent claims on appeal. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

### **Claim 1**

The subject matter of claim 1 can be understood by reading the various exemplary embodiment of the method that are set forth in the specification and drawings of the application. For conciseness only, the subject matter of claim 1 will be

summarized by reference to the exemplary play slip and ticket illustrated in Figures 8 and 9 respectively.

1. A method of conducting an instant win game in combination with a base wagering game, comprising:

receiving a base wagering game entry **[e.g., a lottery play slip 300 illustrated in Figure 8 and discussed at specification, paragraph [0078]]** and a base wagering game wager from a player **[e.g. specification, paragraph [0055], lines 15-16];**

receiving an instant win game wager from the player **[e.g., specification, paragraph [0055], lines 15-16] ;**

storing a game theme indicator **[e.g., specification, paragraph [0037], lines 15-19; paragraph [0082], lines 3-5];**

storing a plurality of instant win game outcome display themes **[e.g., specification, paragraph [0075], lines 11-13];**

determining an outcome of the instant win game for the player, the outcome of the instant win game being independent from the base wagering game **[e.g., Figure 9 illustrates an example where Keno was selected as the base wagering game and a football theme instant win game was chosen where the outcome of the football theme instant win game was determined independently of the outcome of the Keno entry];**

displaying the outcome of the instant win game to the player, the outcome being displayed with one of the plurality of instant win game outcome display themes wherein the one of the plurality of instant win game outcome display themes corresponds to the stored game theme indicator and the base wagering game entry **[e.g., Figure 9, specification paragraph [0081], entire paragraph; and**

awarding the player an instant win game prize corresponding to the outcome of the instant win game **[e.g., Figure 9, specification paragraph [0081], lines 14-16].**

## **Claim 14**

The subject matter of claim 14 can be understood by reading the various exemplary embodiment of the system that are set forth in the specification and drawings of the application. For conciseness only, the subject matter of claim 14 will be summarized by reference to the exemplary embodiments illustrated in Figures 1, 2, 5 and 9.

14. A gaming system for conducting an instant win game in combination with a base wagering game, said gaming system comprising:

a plurality of terminal units **[e.g., Figure 1, element 104, specification, paragraph [0038], entire paragraph]**, each of the terminal units comprising:

an input device that allows a player to make a plurality of input selections **[e.g., Figure 1, element 126 or 132, specification, paragraph [0041], entire paragraph]**;

a terminal unit memory device **[e.g., Figure 2, element 202, specification, paragraph [0048], entire paragraph]**;

a currency-accepting mechanism that is capable of allowing the player to deposit a medium of currency **[e.g., Figure 1, element 130, specification, paragraph [0041], entire paragraph]**;

a value-dispensing mechanism that is capable of dispensing value to the player **[e.g., Figure 5, element 370, specification, paragraph [0070], entire paragraph]**;

an output device **[e.g., Figure 1, element 133 or 128, specification, paragraph [0041], entire paragraph]**; and

a terminal unit controller operatively coupled to a display unit, the input device, the terminal unit memory device, the currency-accepting mechanism, the value-dispensing mechanism, and the output device **[e.g., Figure 2, element 200, specification, paragraphs [0048] and [0049], entire paragraphs]**; and

a host computer operatively coupled to the plurality of terminal units [e.g., **Figure 1, element 134, specification, paragraph [0043], entire paragraph**], the host computer comprising a host computer memory device [e.g., **Figure 1, element 138, specification, paragraph [0043], entire paragraph**] and a host computer controller operatively coupled to the host computer memory device [e.g., **Figure 1, element 136, specification, paragraph [0043], entire paragraph**],

the terminal unit controller being programmed to allow a player to enter a base wagering game entry at the input device [e.g., **specification, paragraphs [0048] [0049], entire paragraphs**],

the terminal unit controller being programmed to allow a player to make a base wagering game wager and an instant win game wager at the currency-accepting mechanism [e.g., **specification, paragraph [0059], entire paragraph**],

one of the terminal unit controller and the host computer controller being programmed to store a game theme indicator at the corresponding one of the terminal unit memory device and the host computer memory device [e.g., **specification, paragraph [0082], entire paragraph**],

one of the terminal unit controller and the host computer controller being programmed to store a plurality of instant win game outcome display themes at the corresponding one of the terminal unit memory device and the host computer memory device [e.g., **specification, paragraph [0075], entire paragraph**],

one of the terminal unit controller and the host computer controller being programmed to determine an outcome of the instant win game, the outcome of the instant win game being independent from the base wagering game [e.g., **Figure 9 illustrates an example where Keno was selected as the base wagering game and a football theme instant win game was chosen where the outcome of the football theme instant win game was determined independently of the outcome of the Keno entry**],

the terminal unit controller being programmed to display the outcome of the instant win game at the output device with the outcome being displayed with one of the plurality of instant win game outcome display themes corresponding to the game theme indicator and the base wagering game entry [e.g., **Figure 9**], and

the terminal unit controller being programmed to cause the value-dispensing mechanism to dispense an instant win game prize corresponding to the outcome of the instant win game [e.g., **Figure 9, specification paragraph [0081], lines 14-16**].

### **Claim 18**

The subject matter of claim 18 can be understood by reading the various exemplary embodiment of the terminal unit that are set forth in the specification and drawings of the application. For conciseness only, the subject matter of claim 18 will be summarized by reference to the exemplary embodiments illustrated in Figures 1, 2, 5 and 9.

18. A terminal unit for conducting an instant win game in combination with a base wagering game, said terminal unit comprising:

an input device that allows the player to make a plurality of input selections [e.g., **Figure 1, element 126 or 132, specification, paragraph [0041], entire paragraphs**];

a memory device [e.g., **Figure 2, element 202, specification, paragraph [0048], entire paragraph**];

a currency-accepting mechanism that is capable of allowing the player to deposit a medium of currency [e.g., **Figure 1, element 130, specification, paragraph [0041], entire paragraph**];

a value-dispensing mechanism that is capable of dispensing value to the player [e.g., **Figure 5, element 370, specification, paragraph [0070], entire paragraph**];

an output device [e.g., **Figure 1, element 133 or 128, specification, paragraph [0041], entire paragraph**]; and

a controller operatively coupled to the output unit<sup>(1)</sup>, the input device, the memory device, the currency-accepting mechanism, the value-dispensing mechanism,

<sup>1</sup> It appears that the phrase "the output unit" as used in claim 18 is an inadvertent error. The examiner objected to claims 14 and 18 in the first Office action on the merits as the phrase "the display unit" did not have antecedent support in these claims. Claim 14 was amended to recite "a display unit" while

and the output device [e.g., **Figure 2, element 200, specification, paragraphs [0048] and [0049], entire paragraphs**],

the controller being programmed to allow a player to enter a base wagering game entry at the input device [e.g., **specification, paragraphs [0048] and [0049], entire paragraphs**],

the controller being programmed to allow a player to make a base wagering game wager and an instant win game wager at the currency-accepting mechanism [e.g., **specification, paragraph [0059], entire paragraph**],

the controller being programmed to store a game theme indicator at the memory device [e.g., **specification, paragraph [0082], entire paragraph**] and,

the controller being programmed to store a plurality of instant win game outcome display themes at the memory device [e.g., **specification, paragraph [0075], entire paragraph**],

the controller being programmed to determine an outcome of the instant win game, the outcome of the instant win game being independent from the base wagering game [e.g., **Figure 9 illustrates an example where Keno was selected as the base wagering game and a football theme instant win game was chosen where the outcome of the football theme instant win game was determined independently of the outcome of the Keno entry**],

the controller being programmed to display the outcome of the instant win game at the output device with the outcome being displayed with one of the plurality of instant win game outcome display themes corresponding to the game theme indicator and the base wagering game entry [e.g., **Figure 9**], and

the controller being programmed to cause the value-dispensing mechanism to dispense an instant win game prize corresponding to the outcome of the instant win game [e.g., **Figure 9, specification paragraph [0081], lines 14-16**].

claim 18 was amended to recite "the output unit." It is believed that claim 18 should also recite "a display unit" as in claim 14. Correction will be made at an appropriate time after conclusion of this appeal proceeding. It is not believed that this informality will prevent the Board from reaching the merits of this appeal.

## **GROUND S OF REJECTION TO BE REVIEWED**

- I. Claims 1-8 and 10-12 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0050109 (Caro).
- II. Claims 9 and 13-20 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publication 2004/0266514 (Penrice) in view of Caro

## **ARGUMENTS**

### **I. Rejection of claims 1-8 and 10-12 under 35 U.S.C. §102(e) as anticipated by Caro**

A finding of anticipation requires "that each element of the claim in issue is found, either expressly described or under principles of inherency, in a single prior art reference, or that the claimed invention was previously known or embodied in a single prior art device or practice." Kalman v. Kimberly –Clark Corp., 713 F.2d 760, 770, 218 USPQ 781, 789 (Fed. Cir. 1983).

#### **A. Separate argument of claim 1**

Caro describes a combined lottery and optional instant game using a central computer and multiple game terminals (Abstract). A user may play a future draw game and an instant game in one ticket and the instant game involves matching a first set of player-selected number from the draw game with a second set of the like-type of numbers randomly generated ([0048]). As shown in Figures 2[A-B] through 8[A-B] and Figures 9-10 in Caro, the outcome of the instant game is dependent on the numbers selected by the user for the first game. A player wins the instant game by matching a first set of number selected for the draw game with a second set of numbers that are randomly drawn ([0057]).



There are at least four limitations set forth in claim 1 that are not described by Caro:

- the outcome of the instant win game being independent from a base game,
- storing a plurality of instant win game outcome display themes,
- displaying the outcome of the instant win game with a theme, and
- storing a game theme indicator.

The first limitation of claim 1 not described by Caro, i.e., the outcome of the instant win game being independent from a base game, is illustrated in Fig. 9 of this application. As shown in Fig. 9, the base wagering game is Keno while the instant win game has a football theme. As explained in [0078]-[0081] of the present specification, a player submits a "Keno Slip" as illustrated in Fig. 8 and indicates on the slip whether it is desired to play the instant game. If the player elects to play the instant game by marking the YES box 378 on the slip, the lottery system 100 will determine the outcome of the instant game independent of the Keno game. As illustrated in Figure 9, the numbers 02, 11, 44, 59 and 69 were chosen for the Keno game. Lottery system 100, in a manner independent of the Keno game, determined the outcome of the instant game wager and caused a slip to be displayed or issued that sets forth both the Keno picks, 322, and the instant game outcome, 384. As seen from Figure 9, the outcome of the instant game was determined by the lottery system 100 in the theme of a football score with the player needing to outscore the opponent in order to win the instant game. As plainly illustrated in Figure 9, the outcome of the instant game is independent of the outcome of the Keno base wagering game. The Keno numbers, 02, 11, 44, 59 and 69 had no bearing on whether the player won the football themed instant win game.

While Caro does describe a method of playing an instant win game in combination with a base wagering game, the outcome of the instant win game in Caro is dependent on, not independent from, the base wagering game. As explained in Caro, a first number set is chosen to play in the base wagering game and a second

number set is randomly generated for the instant win game. Caro, [0020]. The outcome of the instant win game is determined from a comparison of the first number set used in the base wagering game with the randomly generated second set of numbers. Id. (“[The] second, randomly generated set is matched with the first player selected set to determine if the player has won....”) Thus, the outcome of the instant win game of Caro is dependent upon the numbers picked by the player for the base wagering game.

Claim 1 was amended to require that “the outcome of the instant win game being independent of the base wagering game” in response to the first Office action. The examiner cites to [0049] of Caro as showing this feature of claim 1. Final rejection, page 3. Paragraph [0049] of Caro reads as follows:

[0049] Matches for the instant game are determined by the player examining the ticket. The central computer also calculates matches, and records the result and the prize associated with a particular “win” result. In general, certain matches, and/or certain quantities and positional order of matches, are associated with different prize values. In general, the larger the number of matches, or matches in a specific order, the greater the prize. The tickets 12 will typically include a visual indication 28 of the prize associated with a particular match, or number of matches, and for matches in a specified order. The prize indication can be a displayed amount of money, a symbol or picture of a prize, and/or a table showing the odds and prize amounts for all possible winning outcomes. If there are no matches, the instant game is lost and the additional purchase price for the option of playing the game is forfeit. However, the player continues to have the opportunity to play, and possibly win, the future lottery game. With the same player-selected set of numbers, play is therefore extended, and play value of the game increased.

It is not seen how this portion of Caro describes<sup>11</sup> “the outcome of the instant win game being independent of the base wagering game” as required by claim 1.

The examiner also discusses this aspect of claim 1 in the paragraph bridging pages 15-16 of the Final Rejection. The examiner states that “applicant’s attention [is directed] to the controller (Penrice, Micro Processor 104) which is programmed to determine the outcome of the instant win game, which is independent from the base game (also see Caro paragraph [0049]...” Id. This reference to Penrice in this statement is confusing since claim 1 is rejected under 35 U.S.C. § 102(e) as anticipated by Caro. Whatever Penrice may describe is not relevant in determining whether Caro describes this aspect of claim 1. As discussed above, paragraph [0049] of Caro does not describe “the outcome of the instant win game being independent of the base wagering game” as required by claim 1.

Turning to the second distinction between claim 1 and Caro, it is urged that Caro does not describe storing a plurality of instant win game outcome display themes. The examiner identifies “paragraphs [0041], [0045] and [0046] wherein memory 22 stores a plurality of instant game outcome display themes, e.g., Pick 3 and Pick 4, detailed in Figures 3A and 3B along with the related description thereof.” Final rejection, page 3. Reading the related description of Figures 3A and 3B of Caro as urged by the examiner, it is seen that Caro describes Pick 3 and Pick 4 as the “daily or other periodic future draw lottery,” not the instant game. Caro, paragraph [0052]. Thus, Pick 3 and Pick 4 are not instant win game themes according to Caro. At best, Caro describes identifying the instant game by name only. Caro, paragraph [0045]. This feature of Caro is illustrated in Figures 3A and 3B of Caro where the instant game component of the ticket is simply denominated as “Key Number Match.” This denomination is not an “instant win game outcome display theme” as required by claim 1 on appeal. As set forth at page 7, paragraph [0037], lines 8-12, of the specification, instant win game outcome display themes of the present invention are more than a name and are exemplified as blackjack, football or Bingo themes. These exemplary themes are also shown in Figures 9-11 of this application.

The examiner also points to paragraph [0041] of Caro as describing different themes “such as physically drawing identical numbered ball[s], or a non-draw event

such as occurrence of some public events, such as a closing stock price on a given day or the score of [a] sports event.” Final rejection, page 15. The examiner is not reading this portion of Caro correctly. Paragraph **[0041]** of Caro describes a random number generator that can be a “physical draw of identical numbered balls, or a non-draw event such as the occurrence of some public events, such as a closing stock price on a given day or the score of a sports event.” This portion of Caro has nothing to do with describing an instant win game outcome display theme.

“[A]s an initial matter, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.” In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). Here, the specification provides enlightenment as to the phrase “instant win game outcome display theme.” It is improper for the examiner to ignore this enlightenment in construing the claim and applying the prior art. When claim 1 is properly construed, it is readily seen that Caro does not describe storing a plurality of instant win game outcome display themes.

As to the third distinction, Caro does not describe displaying the outcome of the instant win game with a theme as required by claim 1. As set forth above, Caro does not store a plurality of instant win game outcome display themes. Thus, Caro cannot describe displaying the outcome of the instant win game with a theme since the themes are not stored. As readily seen from reading Caro, the outcomes of the instant win game are displayed without any theme.

Turning to the fourth distinction, storing a game theme indicator, the examiner states that Caro describes this feature in paragraphs **[0041]**, **[0045]**, **[0046]** and **[0056]** with the theme indicator being in the form of the type or name of the instant win game selected by the player. Final rejection, page 3. As set forth above, Caro does not describe a plurality of instant win game outcome display themes. At best, Caro

describes the name of the instant win game which is not an instant win game outcome display theme as required by claim 1. Since Caro does not describe a plurality of instant win game outcome display themes, the reference cannot describe storing a game theme indicator.

The examiner discusses this distinction at page 16 of the final rejection but again confuses the situation by couching this discussion in terms of Caro and Penrice. Penrice is not used in this anticipation rejection and the examiner's comments in this portion of the final rejection are not understood.

Reversal of the rejection is courteously solicited.

**B. Separate argument of claims 2-8 and 10-12**

For the purposes of this appeal only, no separate argument is set forth for claims 2-8 and 10-12. These claims are patentable for the reasons set forth above in regard to claim 1.

Reversal of the rejection is courteously solicited.

**II. Rejection under 35 U.S.C. § 103(a) of claims 9 and 13-20 as unpatentable over Penrice and Caro**

The ultimate determination of whether an invention would have been obvious under 35 U.S.C. § 103(a) is a legal conclusion based on underlying findings of fact. In re Kotzab, 217 F.3d 1365, 1369, 55 USPQ2D 1313, 1316 (Fed. Cir. 2000). Underlying factual inquiries include the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art, and other objective evidence of nonobviousness. See Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467, 15 L. Ed. 2d 545, 86 S. Ct. 684 (1966). Furthermore, "[i]t is well-established that before a conclusion of obviousness may be made based on a

combination of references, there must have been a reason, suggestion, or motivation to lead an inventor to combine those references.” Pro-Mold and Tool Co. v. Great Lakes Plastics Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1629-30 (Fed. Cir.1996).

**A. Separate argument of claim 14**

The final rejection stated that claim 14 is unpatentable in view of the combination of Penrice and Caro. Id., pages 8-10. The examiner admits that “Penrice does not explicitly teach providing a lottery game that includes a base game and an instant win game.” Id., page 8. However the examiner believes that “[i]t would have been obvious to incorporate the lottery game as taught by Caro [] into the gaming system as taught by Penrice in order to increase player interest in the game of Penrice by providing a lottery game having a base game and an instant win game as desirably taught by Caro [] in paragraphs [0009], [0010] and [0011]. Id. Assuming that the examiner’s combination of Penrice and Caro is proper, a point not conceded, the fact remains that Caro does not describe at least four elements of claim 14, i.e., the system of claim 14 is programmed to determine the outcome of the instant game independently from a base game, store a plurality of instant win game outcome display themes, display the outcome of the instant win game with a theme, and store a game theme indicator. Applicant submits that these elements are also not disclosed or suggested by Penrice.

Obviousness of a patent claim must be based upon a consideration of the subject matter of that claim as a whole. 35 U.S.C. § 103(a). Since Penrice and Caro, either individually or in combination, do not teach or disclose all of the elements of claim 14, the combination of the references, even if proper, would not have rendered the subject matter of claim 14 as a whole obvious.

Reversal of the rejection is courteously solicited.

**B. Separate argument of claims 9 and 13-17**

For the purposes of this appeal only, no separate argument is set forth for claims 9 and 13-17. Claims 9 and 13 depend from claim 1 and are patentable for the reasons set forth above in regard to claim 1. Claims 15-17 depend from claim 14 and are patentable for the reasons set forth above for claim 14.

Reversal of the rejection is courteously solicited.

**C. Separate argument of claim 18**

A terminal unit for conducting an instant win game in combination with a base wagering game is set forth in claim 18. The terminal unit of claim 18 is programmed to determine the outcome of the instant game independently from a base game, store a plurality of instant win game outcome display themes, display the outcome of the instant win game with a theme, and store a game theme indicator. As set forth above neither Caro nor Penrice describe these elements.

Obviousness of a patent claim must be based upon a consideration of the subject matter of that claim as a whole. 35 U.S.C. § 103(a). Since Penrice and Caro, either individually or in combination, do not teach or disclose all of the elements of claim 18, the combination of the references, even if proper, would not have rendered the subject matter of claim 18 as a whole obvious.

Reversal of the rejection is courteously solicited.

**D. Separate argument of claims 19 and 20**

For the purposes of this appeal only, no separate argument is set forth for claims 19 and 20. Claims 19 and 20 depend from claim 18 and are patentable for the reasons set forth above in regard to claim 18.

Reversal of the rejection is courteously solicited.

### **Conclusion**

In view of the foregoing remarks, appellant submits that the examiner's rejections of claims 1-20 are in error and should be reversed.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,  
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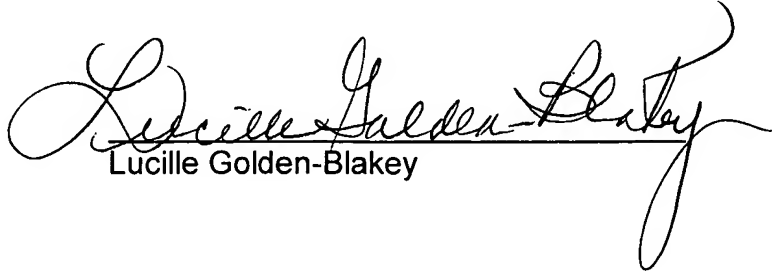
Lance D. Reich  
Reg. No. 42,097

Date 29 October 2006



CERTIFICATE UNDER 37 CFR 1.8:

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Alexandria, VA 22313-1450, on this 30th day of October, 2006.



Lucille Golden-Blakey

## **CLAIMS APPENDIX**

1. A method of conducting an instant win game in combination with a base wagering game, comprising:

receiving a base wagering game entry and a base wagering game wager from a player;

receiving an instant win game wager from the player;

storing a game theme indicator;

storing a plurality of instant win game outcome display themes;

determining an outcome of the instant win game for the player, the outcome of the instant win game being independent from the base wagering game;

displaying the outcome of the instant win game to the player, the outcome being displayed with one of the plurality of instant win game outcome display themes wherein the one of the plurality of instant win game outcome display themes corresponds to the stored game theme indicator and the base wagering game entry; and

awarding the player an instant win game prize corresponding to the outcome of the instant win game.

2. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and base wagering game are implemented in a gaming system having a host computer communicatively linked to a plurality of terminal units, the method comprising receiving the base wagering game entry, base wagering game wager and instant win game wager at one of the terminal units.

3. The method of conducting an instant win game in combination with a base wagering game according to claim 2, comprising determining the outcome of the instant win game for the player at one of the host computer and the one of the plurality of terminal units receiving the base wagering game entry, base wagering game wager and instant win game wager.

4. The method of conducting an instant win game in combination with a base wagering game according to claim 2, comprising displaying the outcome of the instant win game to the player at the one of the plurality of terminal units receiving the base wagering game entry, base wagering game wager and instant win game wager.

5. The method of conducting an instant win game in combination with a base wagering game according to claim 4, wherein each of the terminal units includes a ticket printer, the method comprising printing a ticket at the ticket printer of the one the plurality of terminal units, the ticket including first indicia corresponding to the base wagering game entry and base wagering game wager, and second indicia corresponding to the outcome of the instant win game with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

6. The method of conducting an instant win game in combination with a base wagering game according to claim 4, wherein each of the terminal units includes video display device, the method comprising displaying the outcome of the instant win game at the video display device of the one of the terminal units, the outcome of the instant win game being displayed with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

7. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and base wagering game are implemented in a gaming system having a host computer communicatively linked to a plurality of terminal units, the method comprising storing the game theme indicator at one of the host computer and the terminal units.

8. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and base wagering game are implemented in a gaming system having a host computer communicatively linked to a plurality of terminal units, the method comprising storing

the plurality of instant win game outcome display themes at the plurality of terminal units.

9. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and base wagering game are implemented in a gaming system having a host computer communicatively linked to a plurality of terminal units each having a value dispensing unit, the method comprising dispensing the instant win game prize to the player via the value dispensing unit.

10. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and the base wagering game are implemented in a terminal unit having an input device, the method comprising receiving the base wagering game entry, base wagering game wager and instant win game wager at the input device of the terminal units.

11. The method of conducting an instant win game in combination with a base wagering game according to claim 10, wherein the terminal unit includes a ticket printer, the method comprising printing a ticket at the ticket printer of the terminal unit, the ticket including first indicia corresponding to the base wagering game entry and base wagering game wager, and second indicia corresponding to the outcome of the instant win game with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

12. The method of conducting an instant win game in combination with a base wagering game according to claim 10, wherein the terminal unit includes a video display device, the method comprising displaying the outcome of the instant win game at the video display device of the terminal unit, the outcome of the instant win game being displayed with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

13. The method of conducting an instant win game in combination with a base wagering game according to claim 1, wherein the instant win game and base wagering game are implemented in a terminal unit having a value dispensing unit, the method comprising dispensing the instant win game prize to the player via the value dispensing unit.

14. A gaming system for conducting an instant win game in combination with a base wagering game, said gaming system comprising:

a plurality of terminal units, each of the terminal units comprising:

an input device that allows a player to make a plurality of input selections;

a terminal unit memory device;

a currency-accepting mechanism that is capable of allowing the player to deposit a medium of currency;

a value-dispensing mechanism that is capable of dispensing value to the player;

an output device; and

a terminal unit controller operatively coupled to a display unit, the input device, the terminal unit memory device, the currency-accepting mechanism, the value-dispensing mechanism, and the output device; and

a host computer operatively coupled to the plurality of terminal units, the host computer comprising a host computer memory device and a host computer controller operatively coupled to the host computer memory device,

the terminal unit controller being programmed to allow a player to enter a base wagering game entry at the input device,

the terminal unit controller being programmed to allow a player to make a base wagering game wager and an instant win game wager at the currency-accepting mechanism,

one of the terminal unit controller and the host computer controller being programmed to store a game theme indicator at the corresponding one of the terminal unit memory device and the host computer memory device,

one of the terminal unit controller and the host computer controller being programmed to store a plurality of instant win game outcome display themes at the corresponding one of the terminal unit memory device and the host computer memory device,

one of the terminal unit controller and the host computer controller being programmed to determine an outcome of the instant win game, the outcome of the instant win game being independent from the base wagering game,

the terminal unit controller being programmed to display the outcome of the instant win game at the output device with the outcome being displayed with one of the plurality of instant win game outcome display themes corresponding to the game theme indicator and the base wagering game entry, and

the terminal unit controller being programmed to cause the value-dispensing mechanism to dispense an instant win game prize corresponding to the outcome of the instant win game.

15. The gaming system for conducting an instant win game in combination with a base wagering game according to claim 14, wherein the output device comprises a ticket printer, wherein the terminal unit controller is programmed to print a ticket including first indicia corresponding to the base wagering game entry and base wagering game wager, and second indicia corresponding to the outcome of the instant win game with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

16. The gaming system for conducting an instant win game in combination with a base wagering game according to claim 14, wherein the output device comprises a video display device, wherein the terminal unit controller is programmed to display the outcome of the instant win game at the video display device, the outcome being displayed with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

17. The gaming system for conducting an instant win game in combination with a base wagering game according to claim 14, wherein the host computer controller is programmed to determine the outcome of the instant win game, wherein the host computer controller is programmed to store the game theme indicator at the host computer memory device, wherein the terminal unit controller is programmed to store the plurality of instant win game outcome themes at the terminal unit memory device, and wherein the host computer controller is programmed to transmit the outcome of the instant win game and the game theme indicator to the terminal unit.

18. A terminal unit for conducting an instant win game in combination with a base wagering game, said terminal unit comprising:

- an input device that allows the player to make a plurality of input selections;
- a memory device;

- a currency-accepting mechanism that is capable of allowing the player to deposit a medium of currency;

- a value-dispensing mechanism that is capable of dispensing value to the player;
- an output device; and

- a controller operatively coupled to the output unit, the input device, the memory device, the currency-accepting mechanism, the value-dispensing mechanism, and the output device,

- the controller being programmed to allow a player to enter a base wagering game entry at the input device,

- the controller being programmed to allow a player to make a base wagering game wager and an instant win game wager at the currency-accepting mechanism,

- the controller being programmed to store a game theme indicator at the memory device and,

- the controller being programmed to store a plurality of instant win game outcome display themes at the memory device,

- the controller being programmed to determine an outcome of the instant win game, the outcome of the instant win game being independent from the base wagering game,

the controller being programmed to display the outcome of the instant win game at the output device with the outcome being displayed with one of the plurality of instant win game outcome display themes corresponding to the game theme indicator and the base wagering game entry, and

the controller being programmed to cause the value-dispensing mechanism to dispense an instant win game prize corresponding to the outcome of the instant win game.

19. The terminal unit for conducting an instant win game in combination with a base wagering game according to claim 18, wherein the output device comprises a ticket printer, wherein the controller is programmed to print a ticket including first indicia corresponding to the base wagering game entry and base wagering game wager, and second indicia corresponding to the outcome of the instant win game with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.

20. The terminal unit for conducting an instant win game in combination with a base wagering game according to claim 18, wherein the output device comprises a video display device, wherein the controller is programmed to display the outcome of the instant win game at the video display device, the outcome being displayed with the one of the instant win game outcome display themes corresponding to the stored game theme indicator.



## EVIDENCE APPENDIX

None.

## **RELATED PROCEEDINGS APPENDIX**

None.